

REMARKS

Applicants respectfully request entry of new claim 13. Support for the new claim can be found, *e.g.*, on page 3, lines 29-30 of the specification. Claim 2 is reworded to reflect proper method claim terminology. No new matter has been added.

Applicants elect the invention of Group I (claims 1 and 2) drawn to the embodiment of methods for the detection of polymorphisms and use of such methods to assess the pharmacogenetics of a drug. Applicants further elect the single nucleotide polymorphism at position 2028 of SEQ ID NO:1. The election, however, is made with traverse.

First, Applicants point out that claim 1 recites determining the sequence at "at least one" of the 28 polymorphic positions of OATPC. If the restriction requirement restricting the polymorphisms into 28 separate groups is allowed to stand, it will limit Applicants to claiming a method of determining the sequence at only a single one of the 28 positions. The restriction requirement ignores those embodiments of the claims in which the sequence at two (or three, or four, or five, up to all 28) positions is determined. An example of such a claim is submitted as new claim 13 above. As this claim is dependent on claim 1, it must be included in the elected group. However, it clearly will require examination of all 28 polymorphisms. Applicants fail to see how the restriction requirement, as presently formulated, can stand in view of new claim 13.

Second, the restriction requirement ignores the fact that the four amino acid polymorphisms recited in claim 1 correspond to four of the nucleotide polymorphisms recited in claim 1 (the polymorphisms at amino acids 400, 405, 488, and 643 of SEQ ID NO:2 correspond to the polymorphisms at nucleotides 1299, 1312, 1561, and 2028 of SEQ ID NO:1, respectively; see p. 14 of the Specification). It would make eminent sense, and maximize efficiency of prosecution, for each amino acid polymorphism to be examined along with its corresponding nucleotide polymorphism: *e.g.*, amino acid 643 of SEQ ID NO:2 along with the elected nucleotide 2028 of SEQ ID NO:1. There would appear to be no undue burden on the Examiner to examine each of these combinations.

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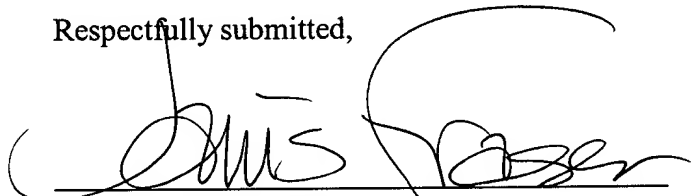
Attached is a marked-up version of the changes being made by the current amendment.

Enclosed is a Petition for Extension of Time for two months and a check for the required fee of \$410. Please apply any other charges or credits to Deposit Account No. 06-1050. Kindly note in the file that the attorney docket number for this case has changed. It is now 06275-264001.

Respectfully submitted,

Date:

Aug. 29, 2003



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Version with markings to show changes made

In the claims:

Claim 2 has been amended as follows.

2. The method of [Use of a method as defined in] claim 1 further comprising using the sequence of the human at at least one of the polymorphic positions to assess the pharmacogenetics of a drug transportable by OATPC.